

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARIAN RUGBY WEAR, INC.,

Plaintiff,

- against -

PRL USA HOLDINGS, INC.,

Defendant.

PRL USA HOLDINGS, INC.,

Plaintiff,

- against -

CARLBERG DESIGN, INC., doing business
as Rugby America, Ltd., and CARLBERG
GRAFIX, INC.,

Defendants.

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06 Civ. 2652 (JGK)

05 Civ. 5888 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

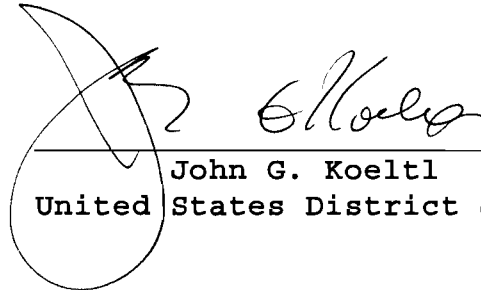
The plaintiff moves to strike the counterclaims contained in the Answer to the Amended Complaint filed in this action on April 16, 2008 by PRL USA Holdings, Inc. ("PRL"). The plaintiff claims that the counterclaims are redundant, as they are a mere repetition of the counterclaims filed by PRL on August 8, 2006, and to the extent there are differences, PRL has not sought leave to amend the counterclaims or made any showing of "good cause" to do so.

The motion is plainly frivolous. PRL USA was merely following Federal Rule of Civil Procedure 13(a), which requires a party to file all compulsory counterclaims along with its answer or risk losing them.

The plaintiff's motion to strike counterclaims is **denied**.

SO ORDERED.

Dated: New York, New York
May 2, 2008



John G. Koeltl
United States District Judge